

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

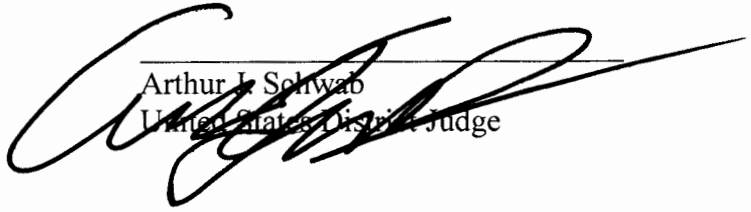
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|--------------------------------|---|--------------------------|
| KEVIN JAMES FOLEY, |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Civil Action No. 17-1260 |
| |) | |
| SUPERINTENDENT MOONEY, et al., |) | |
| Respondents. |) | |

ORDER


AND NOW, this ^{14th} day of February, 2018, after the petitioner, Kevin James Foley, filed a petition for a writ of habeas corpus, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties a period of time after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the petitioner, and upon independent review of the petition and upon consideration of the Magistrate Judge's Report and Recommendation (ECF No. 5), which is adopted as the opinion of this Court,

IT IS ORDERED that the petition for a writ of habeas corpus filed by petitioner (ECF No. 1) is dismissed as time barred and, because reasonable jurists could not conclude that a basis for appeal exists, a certificate of appealability is denied.

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure if the petitioner desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed. R. App. P.



Arthur J. Schwab
United States District Judge



cc: Kevin James Foley
HF-5740
SCI Retreat
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